

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
ICEBREAKER WINDPOWER, INC. FOR A
CERTIFICATE TO CONSTRUCT A WIND-
POWERED ELECTRIC GENERATION
FACILITY IN CUYAHOGA COUNTY, OHIO.

CASE NO. 16-1871-EL-BGN

ENTRY

Entered in the Journal on February 9, 2018

{¶ 1} Icebreaker Windpower, Inc. (Icebreaker or Applicant) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On September 13, 2016, Icebreaker filed a pre-application notice with the Board regarding its intent to construct the electric generation facility being proposed in this case. On February 1, 2017, and supplemented on March 13, 2017, and July 24, 2017, Icebreaker filed an application for a certificate to construct its proposed project, which it has described as a 6-turbine demonstration wind-powered electric generation facility located 8-10 miles off the shore of Cleveland, in Cuyahoga County, Ohio. The wind turbines are expected to have a nameplate capacity of 3.45 megawatts (MW) each, with a total capacity of 20.7 MW.

{¶ 4} By Entry issued on August 15, 2017, a procedural schedule was established for this matter including an October 23, 2017 date for filing the Staff Report of Investigation, a local public hearing on November 8, 2017, and an adjudicatory hearing on November 17, 2017.

{¶ 5} On October 23, 2017, Staff filed a motion seeking to suspend the procedural schedule, with the exception of the public hearing. By Entry on October 23, 2017, the

administrative law judge (ALJ) granted Staff's motion. The Entry directed Icebreaker to supplement the record with additional information, including, specifically, the radar report, and whether it can reliably measure the effect of offshore turbines on birds and bats and inform of the risk levels for future development projects in Lake Erie. Further, the Entry provided that a new procedural schedule and the supplemented application's effective date would be set by subsequent Entry after Icebreaker filed the radar report.

{¶ 6} On January 24, 2018, Icebreaker filed supplemental information that included the radar report. Concurrently, Icebreaker also filed a motion to reestablish the procedural schedule, a request for waiver of Ohio Adm.Code 4906-3-09(A)(2), and a request for expedited treatment.

{¶ 7} On January 30, 2018, the ALJ denied the request for expedited treatment and directed that responses to Icebreaker's motion should be submitted in accordance with Ohio Adm.Code 4906-2-27. Thus, parties would have until February 8, 2018, to file memorandum contra and replies would be due seven days after service of the memorandum contra.

{¶ 8} Memorandum contra Icebreaker's motion to reestablish the procedural schedule and request for waivers were filed by Cuyahoga County and Bretenahl residents on February 5, 2018, and by Staff on February 8, 2018.

{¶ 9} On February 9, 2018, Icebreaker filed a motion seeking a three-day extension of time to reply to the memorandum contra of the Cuyahoga County and Bretenahl residents. Icebreaker states that with the three-day extension, Icebreaker could concurrently respond to the Cuyahoga County and Bretenahl residents as well as Staff. Icebreaker maintains this would be more efficient and judicious.

{¶ 10} For good cause shown, Icebreaker's motion for a three-day extension should be granted. Accordingly, Icebreaker's reply should be filed by February 15, 2018.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Icebreaker's motion for an extension of time to file a reply be granted. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

s/Nicholas Walstra

By: Nicholas J. Walstra
Administrative Law Judge

JRJ/mef

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in

Case No(s). 16-1871-EL-BGN

Summary: Attorney Examiner Entry granting Icebreaker's motion for an extension to file a reply until 2/15/18. electronically filed by Ms. Mary E Fischer on behalf of Nicholas J. Walstra, Attorney Examiner, Public Utilities Commission of Ohio